MONTANA LEGISLATIVE HISTORY

Chapter 62 19 73

Bill H _____ S 287 Original bill & history X C

H. Committee on Local Gov.			S. Committee on Local Gov.		
Hearing Date(s)	2/16	X C	Hearing Date(s)	2/3	X C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Chap.	Senate Bill	House Bill	Title	Page
62	287		An act amending Section 16-3705, R.C.M. 1947, providing that no person shall be appointed a special deputy sheriff, marshal, or policeman who does not meet the minimum qualifying standards for employment promulgated by the board of crime control.	64
63		10	An act to provide procedures for gubernatorial return of a bill to the legislature after adjournment to comply with Article VI, Section 10(4) of the 1972 Montana Constitution; amending Section 43-504, R.C.M. 1947.	66
64		27	An act to extend the powers of initiative and referendum to Montana counties; implementing Article XI, Section 8 of the Montana Constitution of 1972.	67
65		29	An act to create the office of consumer counsel to comply with Artitcle XIII, Section 2 of the 1972 Montana Constitution.	70
66		30	An act to create the Montana salary commission, to comply with Article XIII, Section 3 of the 1972 Montana Constitution and providing an effective date.	74
67		48	An act adding the auditor to the state board of land commissioners to implement Article X, Section 4, of the 1972 Montana Constitution; amending Sections 81-103 and 82-904, R.C.M. 1947.	76
68		74	An act amending Section 16-1719, R.C.M. 1947, to require weed control on municipal streets and property.	77
69		80	An act amending Section 75-5933, R.C.M. 1947; providing that "duties of trustees" may require immunizations as a prerequisite for school entrance.	77
70		231	An act amending Sections 3-233 and 3-2917, R.C.M. 1947, to provide for deposit of fees for testing of grain with the department of agriculture.	80
71		282	An act to amend Sections 3-2308 and 3-2315, R.C.M. 1947, eliminating the use and sale of the Montana egg seal; and repealing Sections 3-2307 and 3-2312, R.C.M. 1947.	80
72	17		An act to amend Section 43-310, R.C.M. 1947, to implement Article V, Sections 5 and 6 of the 1972 Montana Constitution by providing that legislators be compensated for each legislative day, receive expenses of thirty-three dollars ($33) per day seven (7) days a week, except during recesses, and receive mileage, expenses and twenty dollars ($20) per day for attending legislative standing committee meetings and mileage for the pre-session caucus, raising mileage from nine cents (9¢) to twelve cents (12¢); and providing for an immediate effective date.	81
73		11	An act to clarify the executive clemency laws to comply with Article VI, Section 12 of the 1972 Montana Constitution; amending Sections 94-9823, 94-9841 and 94-9842, R.C.M. 1947.	82
74		59	An act providing that disability insurance policies and plans covering members of the insured's family as well as the insured shall grant immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any insured; and amending Sections 40-4002, 40-4101 and 40-4102.	84
75		70	An act providing for interstate parole and probation hearing procedures, requiring notice, assistance of counsel, confrontation of witnesses under certain conditions, a hearing record, and authorizing out-of-state hearings.	88
76		114	An act amending Section 75-7103, R.C.M. 1947, to allow a combination of school buildings, or more than one school bus. to be considered a single purpose requiring only a single school bond election ballot; and providing an effective date.	90
77		172	An act abolishing the mined land reclamation advisory committee.	90
78		182	An act abolishing the sanitarian advisory council.	91

NO.	AUTHOR	SUBJECT	REFERRED TO
	MCGOWAN	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION--REPLACING FISH AND GAME COMMISSION.	NATURAL RESOURCES 1/30/73
285	HAZELBAKER	OUALIFICATIONS OF POLICEMEN.	SIGNED BY GOVERNOR 2/25/73 CHAPTER 60
286	HAZELBAKER	BOARD OF CRIME CONTROL--QUALIFICATION OF PEACE OFFICERS, BASIC TRAINING FOR.	SIGNED BY GOVERNOR 2/25/73 CHAPTER 61
287	HAZELBAKER	QUALIFICATIONS OF DEPUTY SHERIFFS, MARSHALL AND POLICEMEN --EMPLOYMENT PROMULGATED BY THE BOARD OF CRIME CONTROL.	SIGNED BY GOVERNOR 2/25/73 CHAPTER 62
288	MORITZ, BERTSCHE, ET AL	INCLUDE PUPILS IN STATE INSTITUTIONAL SCHOOLS MEETING ELIGIBILITY REQUIREMENTS IN SCHOOL FOOD SERVICES PROGRAM.	SIGNED BY GOVERNOR 3/3/73 CHAPTER 92
289	DEVINE, BERTSCHE, ET AL	TO CLARIFY THE ENFORCEMENT OF CHILD SUPPORT PAYMENTS.	KILLED IN JUDICIARY 2/2/73
290	MOORE, KLINDT	TO CHANGE THE NAME OF THE BOARD OF CHIROPODISTS TO STATE BOARD OF PODIATRY MEDICAL EXAMINERS--CHANGE BOARD OF MEDICAL DOCTORS TO MONTANA STATE BOARD OF MEDICAL EXAMINERS.	SIGNED BY GOVERNOR 3/15/73 CHAPTER 285
291	JAMES, CARL, GOODHEART	ABOLISHING THE PASSENGER TRAMWAY SAFETY BOARD--TRANSFER FUNCTIONS TO THE DEPARTMENT OF FISH AND GAME.	SIGNED BY GOVERNOR 3/5/73 CHAPTER 121
292	ZODY	DEFINING "TOURIST CAMPGROUND", "TRAILER COURT"--RULES AND REGULATIONS, LICENSE FEES.	SIGNED BY GOVERNOR 3/20/73 CHAPTER 383
293	DEVINE	REMOVE RESTRICTIONS ON SUBMISSION OF ADDITIONAL BIDS BY PUBLIC CONTRACTORS WORKING BEYOND CONTRACT TIME.	KILLED IN STATE ADMINISTRATION 2/10/73

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Senate BILL NO. 287

INTRODUCED BY _____

16-3705

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 16-3705, R.C.M. 1947, PROVIDING THAT NO PERSON SHALL BE APPOINTED A SPECIAL DEPUTY SHERIFF, MARSHAL, OR POLICEMAN WHO DOES NOT MEET THE MINIMUM QUALIFYING STANDARDS FOR EMPLOYMENT PROMULGATED BY THE BOARD OF CRIME CONTROL."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 16-3705, R.C.M. 1947, is amended to read as follows:

"16-3705. Qualifications of deputy sheriffs, marshals and policemen. (1) No sheriff of a county, mayor of a city, or other persons authorized by law to appoint special deputies, marshals, or policemen in this state to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputies, marshals, or policemen any person who shall not have resided continuously in this state for a period of one year at least, and in the county where such appointment is made for the period of at least six (6) months prior to the date of

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said appointment, and who does not meet the minimum qualifying standards for employment promulgated by the board of crime control; provided, that the provisions of this section shall not apply in cases of such officers summoning a posse forthwith to quell public disturbance or domestic violence. And provided further, that the person or body authorized by law to appoint special deputies, marshals, or policemen may, in its discretion, waive residency requirements.

(2) No sheriff shall employ as a deputy any individual who does not possess all the following qualifications:

(a) graduate of an accredited high school or the equivalent thereof;

(b) good moral character;

(c) never been convicted of a felony;

(d) has not within five (5) years immediately preceding his date of employment been affiliated in any manner with a subversive organization;

(e) been examined by a physician licensed to practice in the state of Montana within thirty (30) days immediately preceding his date of employment and has been pronounced in good physical condition.

Subsection (2) of this section shall not be applicable to any deputy sheriff whose term of employment commenced prior to the effective date of this act.

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(3) Any person whose term of employment as a deputy sheriff commences subsequent to the effective date of this act shall serve a one-year probationary period and that during this one-year period the employment of any such deputy may be terminated by the sheriff with or without cause and without recourse to the sheriff under the terms of this act.

(4) It shall be the duty of the sheriff to cause all deputies whose term of employment commenced subsequent to the effective date of this act to attend that academy provided for by chapter 52, Title 75, R.C.M. 1947, except that the sheriff may accept reasonable delays in attendance at the academy as shown by the deputy's declared intention of attending. Failure to satisfactorily complete the course offered by said academy shall be deemed cause to terminate a deputy's employment.

(5) Any deputy sheriff now employed or that may hereafter be employed shall continue in service until relieved of his employment in the manner hereinafter provided and only for one or more of the following specified causes:

(a) conviction of a felony subsequent to the commencement of such employment;

(b) willful disobedience of an order or orders given by the sheriff;

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(c) drinking intoxicating liquor while in uniform or while on official duty or being intoxicated in a public place while in uniform or while on official duty;

(d) sleeping while on duty;

(e) incapacity materially affecting ability to perform official duties;

(f) gross inefficiency in the performance of official duties;

(g) participation in any political campaign as a candidate or the solicitation of political support for any candidate for public office.

(6) When a sheriff terminates the employment of a deputy he shall at the time of termination cause to be served upon said deputy a statement in writing subscribed and sworn to by the sheriff setting forth the cause or causes for the discharge or termination of the deputy's employment.

(7) Any deputy sheriff whose employment is terminated from and after the effective date of this act, may within thirty (30) days from the date of the termination of his employment make application to the district court of the county wherein the deputy was employed for a hearing before the court, with or without jury, on the charges resulting in the deputy's termination of employment or discharge. In the event that a deputy prevails at the hearing he shall be

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entitled to be reinstated as a deputy sheriff at the same salary he received prior to his discharge or termination of employment and he shall also be entitled to any rights that might have accrued to his benefit prior to his discharge or termination of employment, including that salary which he would have received but for the termination."

-End-

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SENATE COMMITTEE ON

Local Government

DATE roll call 30

NAME	Jan 4	16	23	25	27	30	1	3	6	8	9	10	10	10	13	20	22	23	24	26
Cornie Thiesen, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
B. J. (Swede) Goodheart	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	ab	ab	ab	✓	✓	✓	✓	✓
Bill Bertche	✓	✓	ab	✓	✓	✓	ab	✓	✓	✓	✓	✓	✓	✓	ab	✓	✓	✓	✓	✓
Mrs. Boots Hall	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	ab	✓	✓	✓	✓	✓	✓
David James	✓	✓	✓	ab	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gordon McOmber	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓
Larry Aber	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Tom Harrison	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Herb Klindt	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Harry Northey	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	ab	✓	✓	✓	✓	✓
Pete Story	✓	✓	✓	✓	✓	ab	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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ROLL CALL

LOCAL GOVERNMENT COMMITTEE

43rd LEGISLATIVE SESSION 1973

DATE	27	1	2	2nd Reading			3	5	6	Extraordinary Session 3/7								
ornie Thiessen, Ch.	✓	✓	✓	no			✓	✓	✓	✓								
. J. Goodheart	✓	✓	✓	no			✓	✓	✓	ab								
ill Bertsche	✓	✓	✓	no			✓	ab		ab								
s. Boots Hall	✓	✓	ab	-			✓	ab	ab	ab								
avid James	✓	✓	ab	aye				✓	✓	ab								
ordon McOmber	✓	✓	ab	no				✓	✓	✓								
arry Aber	✓	✓	ab				✓	✓	✓	✓								
om Harrison	✓	✓	✓	no			✓	✓	✓	✓								
erb Klindt	✓	✓	✓	aye			✓	✓	✓	✓								
arry Northey	✓	✓	✓	aye			✓	✓	✓	✓								
ete Story	✓	✓	✓	aye			✓	✓	✓	ab								

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ROLL CALL VOTE

SENATE COMMITTEE ON

LOCAL GOVERNMENT

Do not Pass 4/10 DATE ~~Do Pass~~ 2/5 motion do pass

NAME	aye	nb							n 2/10	w									
B.J.(Swede) Goodheart									aye	BJ									
Bill Bertche	/									/									
Mrs. Boots Hall		/								/									
David James	/								/										
Gordon Mc Omber	/								/										
Larry Aber		/							/										
Tom Harrison		/								/									
Herb Klindt	/								/										
Harry Northey		/							/										
Pete Story		/							/										
Cornie Thiesen, Ch.	/									/									

LOCAL GOVERNMENT

STATUS OF BILLS

SENATE BILLS						HOUSE BILLS					
No.	Date Rec.	Title	Author	Date Act.	Type Act.	No.	Date Rec.	Title	Author	Date Act.	Type Act.
SB 338		off street PARKING	MC NAMER-THIESSEN	2-10 PASSED							
SB 217		CEMETERY ENDOWMENT FUND	HARRISON	2-9 killed							
SB 221		PAYMENT MEMBERSHIP of CO. TREASURER	MC NAMER	2-10 PASSED							
SB 247		underground facilities	THIESSEN - HALL	2-9 KILLED							
SB 191		improve lighting DISTRICTS	HALL - STORY	2-6 PASSED							
SB 255		Amend HOUSING AUTHORITIES LAW	THIESSEN - BOLY	2-10 KILLED							
SB 270		CLAIRFY DISTANCE REQUIREMENTS	BREEDEN	2-1 PASSED							
SB 276		defines persons QUALIFIED TO PETITION		2-1 PASSED							
SB 329		letting CONTRACTS in EXCESS of $4,000 - COUNTIES	DE WOLFE JAMES	2-1 PASSED							
SB 328		SAME AS ABOVE for CITIES	2-10 KILLED	2-1 PASSED							
SB 297		dept. HEALTH ADM. STATE FUNDS - GRANTS	BOYLAN - BREEDEN	2-6 PASSED							
SJR 15		EVAL. NEED for STATE CO-ORDINATION BOND ISSUE	MATHERS	2-1 PASSED							
SB 330		letting of CONTRACTS - SCHOOL DISTRICTS	DEWOLFE - JAMES	2-1 PASSED							
SB 285		min. QUAL. STANDARDS for POLICE	HAZEL BAKER	2-3 PASSED							
SB 286		min. QUAL. STANDARDS for PEACE OFFICERS	" "	2-3 PASSED							
SB 287		min. QUAL. STANDARDS for SHERIFF, MARSHALL	" "	2-3 PASSED							
SB 320		ALLOW CO. COMM. TO COLLECT THRU AGENCY	GROFF NEES	2-6 PASSED							
SB 372		ALLOWS CO. COMM. 5 LAY MEMBERS	GILFEATHER - DEVINE	2-6 PASSED							
SB 384		deposit MONEY IN all-purpose fund	BROEDER - HALL	2-6 PASSED							
SB 402		elderly family - 60 YRS OLD	LYNCH - CARL	2-8 PASSED							
SB 417		disp. of REAL PROP. IN AREAS of URBAN RENEWAL	HARRISON	2-8 PASSED							

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SB 287 - Senator Harrison moved this bill do pass; seconded by Senator Aber. PASSED UNANIMOUSLY. SB 287

SENATE BILL 307 - HOUSE BILL 24 : these bills were represented by Senator Jack McDonald. He explained that since they dealt with optional forms of county government, Mr. Zinnecker would explain them. Mr. Zinnecker noted that SB 307 was comparable to HB 24, but that the Senate Bill was more comprehensive. He went on to explain the differences and similarities in the two bills to the Committee. It was decided to hold action on these two bills, however, until further information could be provided. SB 307 HB 24

Senator Thiessen notified the Committee that he had set a public hearing for SB 280 this Friday, Feb. 9, 1973 at 7:30 in the Senate chambers. SB 280

All business before the Committee, being duly considered, a motion was made for adjournment at 12:00 noon. ADJOURNMENT

Senator Cornie Thiessen, Chairman

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ROLL CALL

Local Government COMMITTEE

42nd LEGISLATIVE SESSION 1971

DATE	1/5	1/8	1/10	1/12	1/15	1/17	1/19	1/22	1/24	1/26	1/29	1/31	2/2	2/5	2/7	2/9
Albert Kosena, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Orin Kendall, Vice	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dorothy Bradley	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Henry Cox	✓	✓	Ex	✓	✓	✓		✓			✓	✓		✓		Ex
Malcolm Holtz	✓	✓	✓	✓	✓	✓	Ex	✓	✓	✓	✓	✓	✓	✓	✓	✓
Glen Jacobsen	✓	✓	✓	✓	✓	Ex	✓	✓		✓	✓	✓	✓	✓	✓	✓
Tom Jones	✓	✓	✓	✓	✓	✓	✓	Ex	✓	✓	✓	✓	✓	✓	✓	✓
Lloyd Lockrem, Jr.	✓	✓	✓	✓	Ex	✓	✓	✓		✓				✓		✓
Robert Marks	✓	✓	✓	✓	Ex	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gary Kimble	✓		✓	✓	✓	✓		Ex	✓	✓	✓	✓	✓		✓	✓
John Mehrens	✓	✓		✓	✓	✓	Ex	✓	✓	✓	✓	✓	Ex	✓	✓	✓
Joe Roberts	✓	✓	✓	✓	Ex				✓	✓	✓			✓		
Henry Schepens	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Carl Smith	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
George Turman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Ex	✓
William Zimmer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Ex	Ex	✓	✓
Jerry Lombardi	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Ex	Ex	Ex	Ex

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ROLL CALL

Local Government COMMITTEE

42nd LEGISLATIVE SESSION 1971

DATE	2/9	2/14	2/16	2/19	2/21	2/23	2/28	3/13	3/21							
Albert Kosena, Chairman	✓	✓	✓	Ex	✓	Ex	✓	✓								
Orin Kendall, Vice	✓	✓	✓	✓	✓	✓	✓	✓	✓							
Dorothy Bradley		✓	✓	✓	✓	✓	Ex	✓								
Henry Cox	✓	✓				✓	✓		✓							
Malcolm Holtz	✓	✓	✓	✓	✓	✓	Ex	✓								
Glen Jacobsen	✓		✓	✓	✓	Ex	✓	✓								
Tom Jones	✓		✓	✓	✓	✓	✓	Ex								
Lloyd Lockrem, Jr.					✓		✓	✓	✓							
[illegible]rry Lombardi	Ex	Ex	Ex	✓		✓	✓	✓	✓							
Robert Marks	✓	Ex	✓	✓	✓	✓	✓	✓	✓							
Gary Kimble	Ex	Ex		✓		✓	✓	✓								
John Mehrens	✓		✓	✓			✓	✓								
Joe Roberts	✓	✓	✓	✓		✓	✓	✓	✓							
Henry Schepens		✓	✓	✓		✓		✓	✓							
Carl Smith		Ex		✓		✓	✓	✓								
George Turman	✓	✓	✓	✓	✓	✓	✓	✓								
William Zimmer		Ex	Ex	Ex	Ex	✓	✓	Ex	✓							

Local Government COMMITTEE

41st Legislative Assembly

	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
	Special bridge taxes--levy and collection	2/8	2/16		2/16	Be Concurred	Signed by Governor
	To provide for supervisors in water conservation districts which include municipalities.	2/9	2/16		2/16	Be Concurred	Signed by Governor
	Qualifications of policeman	2/9	2/16		2/16	Be Concurred	Signed by Governor
	Board of crime control--qualification of peace officers, basic training for...	2/9	2/16		2/16	Be Concurred	Signed by Governor
18 1	Qualification of deputy sheriffs marshal and policeman	2/9	2/16		2/16	Be Concurred	Signed by Governor
	Public School bond issues-- to direct the legislative council to conduct a study of	2/10	2/16		2/16	Be Concurred	Signed by Governor
	County Commissioners and five lay members appointed by them to manage county buildings and improvements	2/13	2/19		2/19	Be Concurred	

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February 16, 1973
Proceedings of the
Local Government Committee

The meeting was called to order by Chairman Kosena; the secretary called roll. Absent were Representatives Cox, Lockrem, Kimble, and Smith. Excused were Representatives Lombardi and Zimmer.

SENATE BILL 285: Senator Hazelbaker was chief sponsor. Proponents were Roy Bulger, Montana Sheriff and Peace Officers Association, Clayton Bain, Board of Crime Control, Bill Wolfe, Board of Crime Control, Brinton Warkle, Board of Crime Control. There were no opponents. The committee gave the bill a unanimous be concurred in.

SENATE BILL 286: Senator Hazelbaker was chief sponsor. Proponents were Roy Bulger, Montana Sheriff and Peace Officers Association, Clayton Bain, Board of Crime Control, Bill Wolfe, Board of Crime Control, Brinton Warkle, Board of Crime Control. The opponents was Dean Zinnicker, Montana Association of County Commissioners. The committee gave the bill a unanimous be concureed in.

SENATE BILL 287: Senator Hazelbaker was chief sponsor. Proponents were Roy Bulger, Montana Sheriff and Peace Officers Association, Clayton Bain, Board of Crime Control, Bill Wolfe, Board of Crime Control and Brinton Warkle, Board of Crime Control. There were no opponents. The committee gave the bill a unanimous be concureed in.

SENATE BILL 204: Chief sponsor was Senator Hazelbaker. He was the only proponent and there were no opponents. The committee gave the bill a unanimous be concurred in.

SENATE BILL 184: Senator Nees was the chief sponsor. Proponents were Dean Zinnecker, Montana Association of County Commissioners, Martin Shannon, Teton County, Ray Stoner, Outlook, Montana. There were no opponents and the bill was given a unanimous be concurred in.

SENATE BILL 155: Chief sponsor is Senator Drake but Senator Bennett took it for him. Proponents were Dan Mizner, Montana League of City and Towns, Keith Keller, Montana League of City and Towns, Walter Anderson, City of Helena. There were no opponents. The committee gave the bill a unanimous be concurred in.

SENATE JOINT RESOLUTION 15: Chief Sponsor was Senator Mathers. There were no proponents or opponents. The committee gave the bill a unanimous be concurred in.

With no other business to take care of the meeting was adjourned.

Albert E. Kosena
ALBERT E. KOSENA, CHAIRMAN

Laurie Darragh
Laurie Darragh, secretary

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NAME Sen Frank Wallace Roll No. Bx/Fd No. BILL NO. SB 255 - 256 - 257

ADDRESS Senate DATE 204 2/16/73

WHOM DO YOU REPRESENT? Author of bills

SUPPORT? ✓ OPPOSE? AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

You are very good secretary!

divisions or agencies, to insure the public health, welfare and safety. The board shall waive the minimum qualification standard for good cause shown.

(5) The members of the governor's crime control commission before the effective date of this chapter continue as members of the board of crime control for the remainder of the governor's term; thereafter members shall be appointed in accordance with section 82A-112(1)(b) of this act.

(6) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act, but section 82A-112(2)(b) does not apply."

Section 2. This act is effective on its passage and approval.

Approved: February 25, 1973.

CHAPTER NO. 62

An Act Amending Section 16-3705, R.C.M. 1947, Providing that no Person Shall Be Appointed a Special Deputy Sheriff, Marshal, or Policeman Who Does Not Meet the Minimum Qualifying Standards for Employment Promulgated by the Board of Crime Control.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 16-3705, R.C.M. 1947, is amended to read as follows:

"16-3705. **Qualifications of deputy sheriffs, marshals and policemen.** **(1)** No sheriff of a county, mayor of a city, or other persons authorized by law to appoint special deputies, marshals, or policemen in this state to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputies, marshals, or policemen any person who shall not have resided continuously in this state for a period of one year at least, and in the county where such appointment is made for the period of least six (6) months prior to the date of said appointment, *and who does not meet the minimum qualifying standards for employment promulgated by the board of crime control*; provided, that the provisions of this section shall not apply in cases of such officers summoning a posse forthwith to quell public disturbance or domestic violence. And provided further, that the person or body authorized by law to appoint special deputies, marshals, or policemen may, in its discretion, waive residency requirements.

(2) No sheriff shall employ as a deputy any individual who does not possess all the following qualifications:

(a) graduate of an accredited high school or the equivalent thereof;

(b) good moral character;

(c) never been convicted of a felony;

(d) has not within five (5) years immediately preceding his date of employment been affiliated in any manner with a subversive organization;

(e) been examined by a physician licensed to practice in the state of Montana within thirty (30) days immediately preceding his date of employment and has been pronounced in good physical condition.

Subsection (2) of this section shall not be applicable to any deputy sheriff whose term of employment commenced prior to the effective date of this act.

(3) Any person whose term of employment as a deputy sheriff commences subsequent to the effective date of this act shall serve a one-year probationary period and that during this one-year period the employment of any such deputy may be terminated by the sheriff with or without cause and without recourse to the sheriff under the terms of this act.

(4) It shall be the duty of the sheriff to cause all deputies whose term of employment commenced subsequent to the effective date of this act to attend that academy provided for by chapter 52, Title 75, R.C.M. 1947, except that the sheriff may accept reasonable delays in attendance at the academy as shown by the deputy's declared intention of attending. Failure to satisfactorily complete the course offered by said academy shall be deemed cause to terminate a deputy's employment.

(5) Any deputy sheriff now employed or that may hereafter be employed shall continue in service until relieved of his employment in the manner hereinafter provided and only for one or more of the following specified causes:

(a) conviction of a felony subsequent to the commencement of such employment;

(b) willful disobedience of an order or orders given by the sheriff;

(c) drinking intoxicating liquor while in uniform or while on official duty or being intoxicated in a public place while in uniform or while on official duty;

(d) sleeping while on duty;

(e) incapacity materially affecting ability to perform official duties;

(f) gross inefficiency in the performance of official duties;

(g) participation in any political campaign as a candidate or the solicitation of political support for any candidate for public office.

(6) When a sheriff terminates the employment of a deputy he shall at the time of termination cause to be served upon said deputy a statement in writing subscribed and sworn to by the sheriff setting forth the cause or causes for the discharge or termination of the deputy's employment.

(7) Any deputy sheriff whose employment is terminated from and after the effective date of this act, may within thirty (30) days from the date of the termination of his employment make application to the district court of the county wherein the deputy was employed for a hearing before the court, with or without jury, on the charges resulting in the deputy's termination of employment or discharge. In the event that a deputy prevails at the hearing he shall be entitled to be reinstated as a deputy sheriff at the same salary he received prior to his discharge or termination of employment and he shall also be entitled to any rights that might have accrued to his benefit prior to his discharge or termination of employment, including that salary which he would have received but for the termination."

Approved: February 25, 1973.

CHAPTER NO. 63

An Act to Provide Procedures for Gubernatorial Return of a Bill to the Legislature after Adjournment to Comply with Article VI, Section 10(4) of the 1972 Montana Constitution; Amending Section 43-504, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 43-504, R.C.M. 1947, is amended to read as follows:

"43-504. **Return, when** *legislature* **not in session.** *(1)* If, on the day the governor desires to return a bill without his approval, and with his objections thereto, to the house in which it originated, that house has adjourned for the day (but not for the session), he may deliver the bill with his message to the presiding officer, secretary, clerk, or any member of such house, and such delivery

is as effectual as though returned in open session, if the governor, on the first day the house is again in session, by message, notifies it of such delivery, and of the time when and the person to whom such delivery was made.

(2) If the legislature is not in session when the governor vetoes a bill he shall return the bill with his reasons for the veto to the secretary of state. The secretary of state shall immediately mail a copy of the bill and the veto message to each member of the legislature.

(3) The legislature may reconvene to reconsider any bill so vetoed by using the statutory procedure provided for convening in special session."

Approved: February 25, 1973.

CHAPTER NO. 64

An Act to Extend the Powers of Initiative and Referendum to Montana Counties; Implementing Article XI, Section 8 of the Montana Constitution of 1972.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (1) Resolutions may be proposed by the legal voters of any county in this state, in the manner provided in this act. Fifteen percent (15%) of the legal voters of any county may propose to the board of county commissioners a resolution on a subject within the legislative jurisdiction and powers of such county commissioners, or a resolution amending or repealing any prior resolution or resolutions. Petitions shall be filed with the county clerk. The county clerk shall present the same to the board at its first meeting next following the filing of the petition. The board may, within sixty (60) days after the presentation of the petition to the board, adopt the resolution as set forth in the petition. If the resolution proposed by the petition is passed without change, it shall not be submitted to the people, unless a petition for referendum demanding such submission is filed under the provisions of this act.

(2) If the board does not, within sixty (60) days, pass the resolution proposed in the petition, then the resolution proposed by the petition shall be submitted to the people. Before submitting such resolution to the people, the board may direct that a suit be brought in the district court in and for the county to determine whether the petition and ordinance are regular in form, and whether the ordinance so proposed would be valid and constitutional. The